

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
NORTHERN DIVISION

JERMAINE CORTEZ PATE,)
)
Petitioner,)
)
v.) No. 2:25-cv-00016-JMB
)
RUSTY RATLIFF,)
)
Respondent.)

OPINION, MEMORANDUM AND ORDER

This matter is before the Court on petitioner Jermaine Cortez Pate's petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254. The petition is successive and shall be summarily dismissed.

Rule 4 of the Rules Governing § 2254 Cases in the United States District Courts provides that a district court shall summarily dismiss a § 2254 petition if it plainly appears that the petitioner is not entitled to relief.

On October 25, 2012, the St. Louis County Circuit Court charged petitioner with robbery in the first degree and armed criminal action. He was found guilty after a trial. *State v. Pate*, No. 13SL-CR001396-01 (St. Louis County Court). He was sentenced on July 2, 2014 to two concurrent thirteen-year terms of imprisonment in the Missouri Department of Corrections. The conviction and sentences were affirmed on appeal. *See State v. Pate*, No. 101709 (Mo. Ct. App. 2015).

Plaintiff has filed two habeas corpus actions in this Court, the first on February 8, 2019. *Pate v. Sachse*, No. 4:19-cv-207-RLW (E.D. Mo.). The action was denied and dismissed on March 20, 2020. He filed a successive §2254 motion on June 29, 2020. *See Pate v. Parsons*, No. 4:20-cv-

870-JCH (E.D. Mo. 2020). On September 15, 2020, the Court found that § 2254 motion to be successive and dismissed it. On September 28, 2020, he filed a motion for permission to file a successive habeas petition in the Eighth Circuit Court of Appeals. *See Pate v. Sasche*, No. 20-3014 (8th Cir. 2020). This motion for successive habeas petition was denied on November 9, 2020.

Thus, petitioner has twice sought and been denied habeas relief in this Court. Any additional requests for habeas corpus relief would be successive under 28 U.S.C. § 2244. Petitioner must obtain leave from the United States Court of Appeals for the Eighth Circuit before he can bring these claims in this Court. 28 U.S.C. § 2254(b)(3)(A). Petitioner has not been granted leave to file a successive habeas petition in this Court. As a result, this action shall be dismissed.

Accordingly,

IT IS HEREBY ORDERED that petitioner's petition for writ of habeas corpus under 28 U.S.C. § 2254 is **DENIED AND DISMISSED AS SUCCESSIVE application for writ of habeas corpus**. ECF No. 1

IT IS FURTHER ORDERED that no certificate of appealability shall issue.

An Order of Dismissal will accompany this Opinion, Memorandum and Order.

Dated this 3rd day of February, 2025.



HENRY EDWARD AUTREY
UNITED STATES DISTRICT JUDGE